

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

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JASON CHRIST,

CV 12-106-M-DLC-JCL

Plaintiff,

ORDER

vs.

CITY OF MISSOULA POLICE  
DEPARTMENT, COLIN ROSE,  
STACY LEAR, MISSOULA COUNTY  
ATTORNEYS OFFICE, ANDREW PAUL,  
PAUL VAN VALKENBERG,  
MISSOULA COUNTY 911, and  
OFFICERS JOHN DOES 1 - 12,

Defendants.

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Plaintiff Jason Christ, proceeding pro se, moves to stay this action. In support of his motion Christ states he is busy defending himself, pro se, against criminal charges pending against him in the Montana Fourth Judicial District Court set for trial in October, 2012. Therefore, Christ contends he does not have sufficient time to prepare for and prosecute this civil action while, at the same time, defending himself in the criminal matter. He asserts all of the litigation activity “works [an] extreme personal and logistical hardship” on him. Defendants have all filed briefs opposing Christ’s motion for a stay.

The gravamen of this action alleges that Defendants are unlawfully and inappropriately prosecuting criminal charges against him — the same prosecution which Christ now asserts is consuming his time and preventing him from devoting necessary attention to this civil action. In his pleading Christ identifies numerous issues of alleged misconduct, mistreatment, and harassment committed by various city and county law enforcement officers and prosecuting officers relative to the pending criminal prosecution against him. In this action Christ challenges matters such as the basis and factual support for the criminal charges, the existence of probable cause for the charges, and the propriety of the decision to prosecute the charges against him. He also complains about the criminal prosecutors' conduct in the case, and he challenges the court's rulings and its course of proceedings in the matter. For his relief, Christ requests, inter alia, injunctive relief barring further criminal prosecution of the charges against him.

In view of the ongoing criminal proceedings against Christ on which his complaint in this civil action is predicated, it appears this action may be barred under the abstention doctrine espoused in *Younger v. Harris*, 401 U.S. 37 (1971). *Younger* directs that federal courts must not interfere with, or intervene in ongoing criminal proceedings in state court and, therefore, must abstain from exercising jurisdiction over a civil action which challenges those proceedings. *Younger*, 401 U.S. at 43-45. See also *San Jose Silicon Valley Chamber of Commerce Political*

*Action Committee v. City of San Jose*, 546 F.3d 1087 (9<sup>th</sup> Cir. 2008); and *Dubinka v. Judges of Superior Court of the State of California for the County of Los Angeles*, 23 F.3d 218, 222-26 (9<sup>th</sup> Cir. 1994) (concluding the federal court must abstain from entertaining legal challenges to proceedings in criminal prosecutions pending in state court).

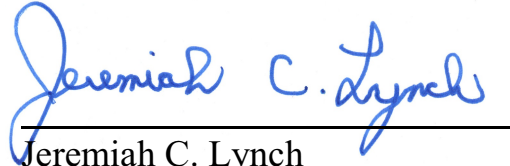
On July 17, 2012, Defendants Missoula County Attorney's Office, Andrew Paul, Fred Van Valkenburg, and Missoula County 911 moved to dismiss this action, in part, under the *Younger* abstention doctrine. Thus, because a dismissal under the doctrine is mandatory in those situations where it is applicable, and because Defendants oppose Christ's requested stay of this action, the Court must proceed to address the merits of the issue of whether this action is barred under *Younger*.

Therefore, IT IS HEREBY ORDERED that Christ's Motion for Stay of Proceedings is DENIED.

Defendants Missoula County Attorney's Office, Andrew Paul, Fred Van Valkenburg, and Missoula County 911 filed both their Motion to Decline Jurisdiction under *Younger*, and their Motion to Dismiss for Failure to State a Claim on July 21, 2012. Christ's response to those motions was due on or before August 7, 2012, but he did not file any response brief to either motion. In view of

his pro se status, the Court will afford Christ an additional amount of time within which to file his response briefs. Therefore, IT IS ORDERED that Christ shall file a brief in response to each of the referenced motions on or before **September 14, 2012.**

DATED this 4<sup>th</sup> day of September, 2012.

  
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Jeremiah C. Lynch  
United States Magistrate Judge